

**PATENT**

**Attorney Docket No.: 2517 DIV2 CON (203-3449 DIV2 CON)**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Kayan et al. Examiner: Victor X. Nguyen

Serial No.: 10/751,579 Group Art Unit: 3731

Filed: January 5, 2004 Dated: September 25, 2007

For:

**Mail Stop 313(c)**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to Applicant(s) duty of disclosure, the information listed in the attached forms PTO/SB/08A and PTO/SB/08B is brought to the attention of the Examiner. U.S. Patent Nos. 3,363,628 (Wood) and 5,792,149 (Sherts et al.) were cited earlier and are of record. WO 99/52413A and WO 92/13490A were also cited earlier, copies of which can be found in the file. Copies of the remaining U.S. patent documents are not provided in accordance with the waiver of that requirement under 37 C.F.R. §1.98. A copy of WO 95/05778A is enclosed.

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art.

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited on date below with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Mail Stop 313(c), Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: September 25, 2007

  
Dana A. Brussel

The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

☐ The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

☐ This information disclosure statement is being filed within three (3) months of the filing date of this application.

☐ This information disclosure statement is being filed within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application.

☒ To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action on the merits in connection with this case.

☐ Enclosed herewith is a certificate under 37 C.F.R. §1.97(e)(1).

☐ Enclosed herewith is a petition under 37 C.F.R. §1.97(d)(2).

☐ Enclosed by check is the petition fee of \$130.00. (37 C.F.R. §1.17(i)(1))

☐ Please charge the \$130.00 petition fee to Deposit Account  
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☐ Enclosed by check is the \$180.00 fee required by 37 C.F.R.


§1.17(p).

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☒ Please charge any deficiency as well as any other fee(s) which  
may become due under 37 C.F.R. §1.16 and/or 1.17 at any time during the pendency of  
this application, or credit any overpayment of such fee(s) to Deposit Account 21-0550.  
Also, in the event any extensions of time for responding are required for the pending  
application(s), please treat this paper as a petition to extend the time as required and  
charge Deposit Account No. 21-0550 therefor.

The claims of the application as now presented are believed to patentably  
distinguish over the prior art and to be in condition for allowance. Early and favorable  
consideration of the case is respectfully requested.

Respectfully submitted,

  
Dana A. Brussel  
Reg. No. 45,717  
Attorney for Applicant(s)

***Carter, DeLuca, Farrell & Schmidt, LLP***  
445 Broad Hollow Road, Suite 225  
Melville, New York 11747  
Tel.: (631) 501-5700 / Fax: (631) 501-3526

**Correspondence address:**

Chief Patent Counsel  
United States Surgical,  
a Division of Tyco Healthcare Group, LP  
195 McDermott Road  
North Haven, CT 06473

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known****RECEIVED****SEP 27 2007****OFFICE OF PETITIONS**

Sheet 1

of 1

Application Number	10/751,579
Filing Date	January 5, 2004
First Named Inventor	Helmut Kayan
Art Unit	3731
Examiner Name	Victor X. Nguyen
Attorney Docket Number	2517 Div2 Con (203-3449 Div2Con)

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-3,120,230	02/04/1964	Skold	
		US-3,363,628	01/16/1968	Wood	
		US-4,414,721	11/15/1983	Hufnagel	
		US-4,449,530	05/22/1994	Bendel et al.	
		US-4,702,247	10/27/1987	Blake, III et al.	
		US-4,934,364	06/19/1990	Green	
		US-5,441,509	08/15/1995	Vidal et al.	
		US-5,501,693	03/26/1996	Gravener	
		US-5,792,149	08/11/1998	Sherts et al.	
		US-5,928,253	07/27/1999	Sherman et al.	
		US-5,941,890	08/24/1999	Voegele et al.	
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**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		WO 99/52413A <sup>i</sup>	10/21/1999	Origin Medsystems, Inc.		
		WO 95/05778A	03/02/1995	Life Surgery, Inc.		
		WO 92/13490A	08/20/1992	Friedland		

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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